

REMARKS

Claims 1-5, 7-19, 21 and 22 were examined. All claims were rejected. In response to the above-identified Final Office Action, Applicant amends claims 1, 4 and 7, cancels claim 3, and adds new claims 23-26. Reconsideration of the rejected claims in light of the aforementioned amendments and the following remarks is requested.

I. Claims Rejected Under 35 U.S.C. § 102(e)

The Examiner rejected claims 1, 2, 8, 9 and 21 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,401,183 issued to Rafizadeh ("*Rafizadeh*"). Applicant believes that the amended and new claims are different from the material in *Rafizadeh*, and that they contain elements neither present in, nor taught or suggested by, the references of record.

Claim 1 recites a method comprising a number of operations, including providing a partition on an Integrated Device Electronics ("IDE") storage device, wherein the partition is invisible to an operating system of a computer system unless it is unlocked; establishing a proper unlock handshake between a software task and an IDE controller; and unlocking the partition in response to an unlock request received from the software task after the software task performs the handshake to unlock the partition. The element of establishing a proper unlock handshake is incorporated from (now canceled) claim 3, and – as the Examiner concedes in the discussion of claim 3 at paragraph 5 of the current Office Action – it is not taught or suggested by *Rafizadeh*. Thus, Applicant respectfully submits that rejection of claim 1 under 35 U.S.C. § 102(e) is no longer proper, and requests that the rejection be withdrawn.

Since claim 1 now incorporates the limitations of claim 3, it is appropriate to address the rejection under 35 U.S.C. § 103(a) of that claim as well. The Examiner rejected claim 3 as unpatentable over *Rafizadeh* in view of U.S. Patent No. 6,385,721 issued to Puckette ("*Puckette*"). The latter reference allegedly teaches wherein the unlocking of the partition is initiated by establishing a proper unlock handshake between the software task and an IDE controller for the storage device. However, Applicant has carefully reviewed *Puckette*, paying particular attention to the cited

portions at c. 7, ll. 47-58, and has been unable to locate an operation like the claimed unlocking handshake.

As far as Applicant can determine, *Puckette* describes storing special stand-alone utility programs, BIOS instructions, and/or other data in a "bootable utility program" area within a hibernation partition of a mass storage device (*see* c. 2, ll. 43-45; c. 6, ll. 56-60; and Fig. 2, element 56). Various methods for accessing and using the materials in the bootable utility program area are discussed, but there seems to be nothing like the claimed handshake, let alone a handshake between a software task and an IDE controller, as claim 1 requires. Instead, *Puckette* relies on the fact that the hibernation partition is marked inactive to control access to the partition from a bootable operating system (*see* c. 8, ll. 36-47), while the BIOS apparently simply ignores the inactive flag when it wishes to access the partition.

For at least the foregoing reasons, Applicant submits that claim 1 is patentable over the references of record, and respectfully requests that the rejection be withdrawn.

As to claims 2, 8, 9 and 21, those claims depend on claim 1, and are patentable for at least the reasons discussed in support of that base claim. Applicant respectfully requests that these rejections be withdrawn as well.

II. Claims Rejected Under 35 U.S.C. § 103(a)

The Examiner rejected claims 3-5, 7, 10-19 and 22 under 35 U.S.C. § 103(a) as unpatentable over *Rafizadeh (supra)* in view of *Puckette (supra)*. Claim 3 has been canceled, but claims 4, 5 and 7 depend directly or indirectly upon claim 1, which was shown to be patentable over both references in the preceding discussion. For at least the reasons explained above, Applicant requests that the rejections of claims 4, 5 and 7 be withdrawn.

Claim 10 recites a machine-readable medium containing instructions to cause a set of processors to perform several operations, including validating an open request received from a software program. This element is alleged to be taught by *Puckette* at c. 8, ll. 14-24, but that portion of the reference appears to concern a possible use for the secure utility program space located within the hibernation partition. Specifically, *Puckette* suggests storing a program to implement a security authorization protocol in the secure utility program space, where the security authorization protocol might recognize a user by his voice or signature. Even assuming, solely for the sake of

argument, that an open request to access a secure-private partition on an IDE hard drive is equivalent to a user attempting to use the computer system (and that *Rafizadeh* really teaches or suggests all that is attributed to it), claim 10 is patentable at least because it requires the open request to come from *software*, not from a *user*. For at least this reason, Applicant submits that claim 10 is patentable over the references of record and respectfully requests that the Examiner withdraw this rejection.

Claims 11-15 depend directly or indirectly upon claim 10, and are patentable over the references of record for at least the reason identified in support of their base claim. Applicant asks the Examiner to withdraw these rejections as well.

Claim 16 recites a system comprising a number of elements, most of which the Examiner asserts are found in *Rafizadeh*. However, even assuming for the sake of argument that *Rafizadeh* teaches or suggests those elements, the claimed IDE controller that initiates an unlock request to unlock the secure-private partition in response to a valid unlock handshake established between the IDE controller and a security/privacy software task is not in that reference. The Examiner purports to find support for the claimed IDE controller in *Puckette*, but Applicant's review of that reference (as discussed earlier) fails to locate any sort of handshake between an IDE controller and a security/privacy software task. For at least this reason, Applicant submits that claim 16 is patentable over the references of record and respectfully requests that the Examiner withdraw this objection.

Regarding claims 17-19 and 22, those claims depend directly or indirectly upon claim 16, and are patentable for at least the reason discussed in support of that base claim. Applicant respectfully requests that the rejections of these dependent claims be withdrawn.

III. New Claims

Applicant has added new claims 23-26 to particularly point out and distinctly claim material regarded as the invention. Support for these claims is at p. 4, ll. 7-8 and 19-23; p. 8, ll. 3-7; p. 10, ll. 5-19; p. 11, ll. 3-17; and elsewhere in the Specification). Independent claim 23 describes a method of manipulating a hard disk comprising a number of operations, including switching a secure-private partition ("SPP") from a locked mode to an unlocked mode in response to a handshake. This element is similar to the element discussed in relation to claim 1, and is believed to be absent from the

references of record. Other differences between the claim and references are also apparent, but need not be addressed at this point. Applicant respectfully requests that the Examiner allow these new claims.

CONCLUSION

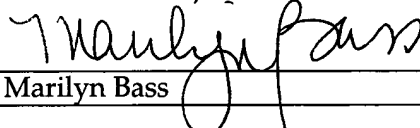
In view of the foregoing, it is believed that all claims now pending, namely claims 1, 2, 4, 5, 7-19 and 21-26, patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207-3800.

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Respectfully submitted,
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| <p>12400 Wilshire Boulevard Seventh Floor Los Angeles, California 90025 (310) 207-3800</p> | <p style="text-align: center;"><u>CERTIFICATE OF MAILING</u></p> <p>I hereby certify that the correspondence is being deposited with the United States Postal Service as first class mail in an envelope with sufficient postage addressed to:</p> <p style="text-align: center;">Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450</p> <p></p> <table border="1" style="width: 100%;"><tr><td style="width: 80%;">Marilyn Bass</td><td style="width: 20%;">Date</td></tr></table> | Marilyn Bass | Date |
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